

1.10.02.00DEPARTMENT OF
HEALTH AND ENVIRONMENTAL SCIENCES

STAN STEPHENS, GOVERNOR

STATE OF MONTANA

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Solid & Hazardous Waste Bureau
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AGENCY

APR 13 1989

April 12, 1989

MONTANA OFFICE

Mr. John Wardell
U.S. EPA
Montana Operations Office
301 South Park, Drawer 10096
Helena, MT 59626

Site East Helena
File # 1.10.02.00
Confidential: Yes ☐ No ☒
Admin. Record: Yes ☒ No ☐
Key Words/Comments: PRP request
for delay of public meeting

Dear John:

I have been advised of ASARCO's request for a delay of the April 18 public meeting. Apparently, ASARCO fears that the meeting would shed an unfavorable light on their trial against Diehl Land Company. The Solid and Hazardous Waste Bureau feels that a delay of the public meeting is unjustified, for the following reasons:

- 1) Granting ASARCO's request may give the community the impression we are allowing the company to control activities at the East Helena site. If the public finds out about the request, they will have reason to question what other demands we have given in to. Decisions will be made in the near future at the site and now would be an inopportune time to lose credibility with the public.
- 2) ASARCO requested we delay the meeting one month from the original date of April 18. We are concerned if the trial were delayed, ASARCO would ask for another extension. Furthermore, if ASARCO loses, other cases may be filed immediately, thus ASARCO may request further delays of our meeting.
- 3) The trial is not directly related to Superfund activities. Therefore, we think it is unwise to create an association in the minds of the public that there is a connection between Superfund and the trial.
- 4) Delaying the delivery of information to the public may only make matters worse. The information is ready and includes data on residential soils, the Wilson irrigation ditch, garden vegetables and other matters directly pertinent to the residents of East Helena. Anyone who later finds out we delayed the meeting may be inclined to ask why we waited. We feel we should give the public the information as soon as it is ready.

I realize EPA has the lead at the site, so ultimately this is your decision. However, Scott Brown has asked for the State's opinion and we do not want to delay.

Sincerely,

Duane Robertson

Duane Robertson
Bureau Chief

April 17

John, Eric:

As your letter was going out to Mayor Moore, last week, I notified Kevin and Janie of our decision against postponing the public meeting. I trust they informed Duane.

Duane was "cc'd" on your letter.... anything else needed?

Scott